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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,613	07/05/2000	Machio Moriuchi	032590-065	3903

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EXAMINER
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CHOW, MING

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/610,613

Applicant(s)

MORIUCHI ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Information Disclosure Statement***

1. The information disclosure statement filed on 6-17-02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered

***Claim Objections***

2. Claims 1, 6, 9, 13, 14, 27, 19, 32, 22, 35, 26, 39 recite the limitation "the terminal" (line 2), "the server" (line 4), "the reception state" (line 13-14). There is insufficient antecedent basis for these limitations in the claim.

3. Claims 2, 7, 10, 28, 20, 33 recite "the action", "the avatar", "the user". There is insufficient antecedent basis for these limitations in the claim.

4. Claims 3, 16, 29 recite "the transmission". There is insufficient antecedent basis for these limitations in the claim.

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5. Claims 4, 17, 30 recite "the ID". There is insufficient antecedent basis for these limitations in the claim.

6. Claims 5, 18, 31 recite "the data form". There is insufficient antecedent basis for these limitations in the claim.

7. Claims 7, 20, 33 recite "said utterance". There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 14, 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the terminal that sent said voice data" (line 11) is not clearly defined. It is unclear the claimed "the terminal that sent said voice data" refers to "the terminal at which voice is input" (line 2) or "a predetermined terminal" (line 5).

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9. Claims 6, 19, 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "utterance data" is not clearly defined. It is unclear what is the difference between "voice data" and "utterance data". The specification, on page 17, discloses "voice data" and "utterance data" without further defining the "utterance data".

10. Claims 13, 26, 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the terminal" (line 4, line 10, line 18) is not clearly defined. It is unclear the claimed "the terminal" refers to "optional terminal" or "another optional terminal".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1, 3, 5, 14, 27, 16, 29, 18, 31, 6, 19, 32, 8, 21, 34, 9-12, 22-25, 35-38, 13, 26, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al (US: 5537141), and in view of Hamilton et al (US: 6392993).

For claims 1, 3,, 14, 27, 16, 29, regarding “a process at the terminal at which voice is input for generating voice data indicating said voice”, Harper et al teach on item 112 Fig. 2 the terminal at which voice is input.

Regarding “a process at the server for receiving said voice data”, Harper et al teach on items 118, 122 Fig. 2 “administrative computer” and “audio mixer” (claimed “a server receives voice data”).

Regarding “a process at said server for sending said voice data to a predetermined terminal; a process at said predetermined terminal for receiving said voice data; a process at the terminal that received said voice data for outputting the voice indicated by said voice data”, Harper et al teach on items 194, 198 Fig. 1 predetermined terminal for receiving voice data from the server.

Harper et al teach on Harper et al failed to teach “a process at the terminal that received said voice data for generating a reception result of said voice data; a process at the terminal that sent said voice data for receiving said reception result; a process at the terminal that received said reception result for indicating the reception state of said voice data based on said reception result”. However, Hamilton et al teach on column 3 line 33-51 the recipient (claimed “terminal that received said voice data”) positively acknowledge receipt (claimed “indicating the reception state”) of packet by sending an ACK to the sender (claimed “terminal that sent said voice data”).

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It would have been obvious to one skilled at the time the invention was made to modify Harper et al to have the “a process at the terminal that received said voice data for generating a reception result of said voice data; a process at the terminal that sent said voice data for receiving said reception result; a process at the terminal that received said reception result for indicating the reception state of said voice data based on said reception result” as taught by Hamilton et al such that the modified system of Harper et al would be able to support the generating reception result and indicating the reception state by the based on the reception result to the system users.

Regarding claims 5, 18, 31, as Harper’s system is modified in view of Hamilton’s system, the reception result is determined based on the data packets (claimed “data form”) receptions.

Regarding claims 6, 19, 32, all rejections as stated in claim 1 above apply.

Harper et al teach on column 14 line 2-3 a header (claimed “utterance data”) for the audio packets. The header of the packet is one of a plurality of data fields within the data packets (claimed “voice data”). Therefore, the header is shorter than the voice data.

Regarding claims 8, 21, 34, Harper et al teach on column 13 line 27 to column 14 line 3 the utterance data is processed by multiplexor (item 230, Fig. 3). The voice data is processed by audio mixer (item 118 Fig. 2).

Regarding claims 9-12, 22-25, 35-38, all rejections as stated in claim 1 above apply.

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Regarding “the server for storing permission or denial”, Harper et al teach on column 15 line 37-39 the administrative computer transmits authorization. The receiving terminal (claimed “predetermined terminal”) is designated for permission or denial based on the authorization stored in the server. The authorization must be within the authorized limits (authorization list). Any terminal that is authorized is designated for receiving data. The administrative computer is the claimed “predetermined terminal for designating permission or denial”.

Regarding claims 13, 26, 39, all rejections as stated in claims 1, 6, 9 above apply.

12. Claims 2, 7, 15, 28, 20, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al, and in view of Hamilton et al, Bales et al (US: 5729532).

Harper et al in view of Hamilton et al as stated in claim 1 above failed to teach “said process for.....said voice data”. However, Bales et al teach on column 21 line 35-45, items 1607, 1608, 1609 Fig. 16 display of each member of the conference call (reads on claimed “the action of the avatar”) and the call state (claimed “reception state”).

It would have been obvious to one skilled at the time the invention was made to modify Harper et al, Hamilton et al to have the “said process for.....said voice data” as taught by Bales et al such that the modified system of Harper et al, Hamilton et al would be able to support the reception state by indicating the avatar of the user to the system users.

13. Claims 4, 17, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al, and in view of Hamilton et al, Moteki et al (US: 5960005).



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Harper et al in view of Hamilton et al as stated in claim 1 above failed to teach “said process for generating.....said process for indication.....said reception state”. However, Moteki et al teach on column 30 line 27-29 an ACK message includes a terminal ID.

It would have been obvious to one skilled at the time the invention was made to modify Harper et al, Hamilton et al to have the “said process for generating.....said process for indication.....said reception state” as taught by Moteki et al such that the modified system of Harper et al, Hamilton et al would be able to support the ACK message includes a terminal ID to the system users.

### *Conclusion*

14. The prior art made of record and not replied upon is considered pertinent to applicant’s disclosure.

- Hasegawa (US: 4500987) teaches loop transmission system.

15. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

